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(Juristische Zeitgeschichte. Abteilung 1, Band 12), Nomos, Baden-Baden
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- 1 Miloš Vec analyses in his short, but perceptive contribution to a cultural history of police and legal practices, the introduction and ‘career’ of new technical tools within the penal apparatus. He is interested primarily in the reconstruction of the convergence of penal law, police practices, and technical development. Vec does not limit his attention to the genealogy of current biometrical visions about a solution to the crime problem, but looks at the introduction of new technical tools from an archaeological perspective. Through a close reading of the – for the most part published – sources of the late 19th and early 20th centuries, he analyses the legal, police, and criminological discourses which structured the introduction of new solutions and were, at the same time, affected by the usage of these innovations.
- 2 Vec focuses on personal identification techniques, i.e. standardised forms for the verbal description of facial features, standardised photographic portraits, anthropometric measures, and, finally, fingerprints. To the existing scholarship on the history of police techniques, he adds a thorough investigation of the German case, with due consideration of pioneering French and British initiatives to reform the existing personal identification techniques. The German case is of particular interest because of the lack of a central

policing authority; policing remained, after 1871, under the authority of each states. The introduction of new techniques called for the establishment of a central clearinghouse. In Germany its location had to be established through negotiations. This led to quite interesting competition between single states, which Vec does not systematically discuss, even though this debate would have provided additional information on the institutional dynamics behind the introduction of the new techniques.

- 3 In his reflection on the broader legal and technical context from which these new techniques emerged, he deploys his wide-ranging competence in legal studies, cultural history, and the history of technology. To explain the introduction of new tools within the penal apparatus, he juxtaposes the increasing scepticism of magistrates and penal experts about the reliability of witnesses and the introduction of circumstantial evidence in criminal procedures with the availability of new technical tools for the analysis of the crime scene. One of his many thought-provoking arguments concerns the empirical evaluation of witnesses' errors. At the turn of the century, the widely held belief in the superiority of perception of educated people was systematically challenged. Education as an indicator of reason was no longer the yardstick for the assessment of observations by witnesses. This also called into question the dichotomy between correct and incorrect testimonies. Vec explains the specific response of penal experts to this unbearable situation with reference to the normalisation paradigm: «This was the model of the natural sciences: Where the elimination of errors was impossible, one started to search for the calculation of error margins.» (15) The awareness of substantial margins of error discredited observations by witnesses even more and gave increasing weight to the technical analysis of the crime scene.
- 4 Vec succeeds in not writing a success story of modernisation, professionalisation, and increasing sophistication. His 'archaeological' interest allows him to trace also those technical solutions which did not survive but still offer telling insights into the complexity of discourses and practices at the turn of the centuries. Standardisation of police photography, for example, went hand in hand with the firm belief in the criminalistic value of the last visual impression of murder victims. The image of the culprit was believed to be conserved on the retina of the victim; police photographers tried to reveal this image through sophisticated techniques (29ff). The common denominator of both the successful and the futile techniques was their trust in technical progress and their mistrust in the existing strategies of crime-solving. The discredited practices were based on communication and the representation of facts through language. In particular, language as a means for representation was called into question by many contemporary experts. Even the doyen of modern criminalistic methods, Alphonse Bertillon, expressed his reservation in this respect, as we learn from Vec (38).
- 5 In his analysis of the introduction of fingerprinting, Miloš Vec looks at several fields of discourse and practice. He considers the belief in the superiority of the fingerprint as the direct 'copy' of the body onto paper as well as the debates about the best codification of fingerprints. Vec's argument about the relevance of fingerprints as a means of access to the rapidly expanding data collections of police departments is quite impressive in its complexity. Vec presents fingerprints certainly not just as a new registration tool. Fingerprints found at the scene of the crime are given full consideration as important clues for the identification of culprits.
- 6 The usage of fingerprints for the purpose of detection required the availability of a database of fingerprints for comparison and acceptance of this technical proof within

criminal procedures. Vec argues that the second requirement was more easily met than the first (99ff). Judges accepted fingerprints as proof of identity, while police databases registered only fingerprints from previous convicts. In order to improve the detection rate, police experts wanted to build databases with the fingerprints of as many people as possible. Vec discusses these efforts under the heading of *Volksdaktyloskopie*, i.e. the systematic collection of fingerprints from all citizens.

- 7 To force every citizen to provide fingerprints for a nation-wide database was impossible. Nevertheless, there was a substantial collection of fingerprints of non-criminals in the US at least, as we learn from an illustration in Vec's book (91). Unfortunately Vec does not explain how the FBI was able to collect them. In Germany, even the collection of fingerprints from criminals remained questionable until the 1930s, when, for the first time, the Nazis provided a legal basis for this practice. This lack of an explicit legal basis is used by Vec to address briefly an important issue for our understanding of the law and its functioning since the late 19th century. Technology and its usage required norms and standards, which were to a large extent no longer regulated by laws but rather by technical agreements. In the case of fingerprinting, the law regulated its usage with a significant delay and was strictly oriented at the existing practices. Vec is not overtly critical about the time lag between the introduction of new control techniques and their adoption into the code of penal procedures. This time lag reflects, for Vec, the need for an increasing flexibility of control techniques in times of rapid change (121).
- 8 Miloš Vec presents a thought-provoking study of police techniques since the late 19th century. He rightly stresses the intrinsic dynamics of the process initiated by introduction of new technical solutions. These could become the motors of institution building and individual promotion. He does not address fully, however, the demand for new solutions resulting from the perceived deficits of the existing techniques. Vec has reminded us nevertheless of the complexity of technological change and its reception within a field of discourse and practices strongly dominated by the law. His book can be strongly recommended to anyone interested in police and legal practices.

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